

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**PRETRIAL ORDER NO. 28
(BRIEFING ON MOTIONS TO DISMISS)**

AND NOW, this 13th day of July 2017, upon consideration of the parties' agreement as to page limitations and procedures for briefing on the anticipated motions to dismiss in all Lead Cases, and the parties' submissions as to the Lead Case groupings, it is hereby **ORDERED** that the following case management groups and procedures are established for purposes of briefing on the motions to dismiss.

A. CASE MANAGEMENT GROUPS

Group 1:

Pharmaceutical	Lead Case Number
Clobetasol	16-CB-27240
Digoxin	16-DG-27240
Divalproex ER	16-DV-27240
Doxycycline	16-DX-27240
Econazole	16-EC-27240
Pravastatin	16-PV-27240

Group 2:

Pharmaceutical	Lead Case Number
Albuterol	16-AL-27240
Baclofen	16-BC-27240
Clomipramine	16-CM-27240
Desonide	16-DS-27240
Propranolol	16-PP-27240
Ursodiol	16-UR-27240

Group 3:

Pharmaceutical	Lead Case Number
Amitriptyline	16-AM-27240
Benazepril HCTZ	16-BZ-27240
Fluocinonide	16-FL-27240
Glyburide	16-GL-27240
Levothyroxine	16-LV-27240
Lidocaine/Prilocaine	16-LD-27240

B. TIMING OF MOTIONS TO DISMISS

1. The following schedule shall apply to briefing of Defendants' motions to dismiss the consolidated amended complaints in Case Management Group 1:

a. All motions to dismiss and accompanying memoranda shall be filed no later than October 6, 2017;

b. All oppositions to the motions to dismiss shall be filed no later than December 8, 2017; and

c. All reply memoranda in further support of the motions to dismiss shall be filed no later than January 30, 2018.

2. The Court requires one courtesy copy of all motions, responses, and replies. Lead and Liaison Counsel shall arrange one submission to the Court of all courtesy copies within five days of a filing deadline (*e.g.*, courtesy copies of all motions to dismiss shall be sent to Chambers in one submission no later than October 11, 2017).

3. The parties shall meet and confer and shall submit no later than **August 31, 2017**, a proposed schedule for briefing the motions to dismiss in Groups 2 and 3.

C. PAGE LIMITS FOR MOTIONS TO DISMISS¹

1. Briefing on Common Motion to Dismiss for Each Lead Case

a. Defendants' memorandum of law in support of their common legal argument motion ("Common Motion") to dismiss the Direct-Purchaser Plaintiffs' ("DPP") Consolidated Class Action Complaint may not exceed 40 pages.

i. The DPPs' memorandum of law in opposition to the Common Motion may not exceed 40 pages, except as provided in Section 2 below.

ii. Defendants' reply memorandum of law in further support of their Common Motion may not exceed 25 pages.

b. Defendants' memorandum of law in support of their Common Motion to dismiss the End-Payer Plaintiffs' ("EPPs") Consolidated Class Action Complaint may not exceed 40 pages.

¹ The page limits are exclusive of any caption, table of contents, table of authorities, signature pages, exhibits, and appended charts regarding individual state-law issues.

i. The EPPs' memorandum of law in opposition to the Common Motion may not exceed 40 pages, except as provided in Section 2 below. Notwithstanding these limitations, should Defendants elect to incorporate any other Common Motion into their Common Motion to dismiss the EPP Consolidated Class Action Complaint, prior to the filing of the EPPs' Opposition to the Common Motion, the EPPs and Defendants shall meet and confer in good faith regarding whether the EPPs require additional pages for their opposition. If additional pages are required, Defendants will not unreasonably withhold consent and the Parties will submit to the Court a stipulation and proposed Order modifying the page limitations. The Court reserves ruling on any requests to extend page limitations.

ii. Defendants' reply memorandum of law in further support of their Common Motion may not exceed 25 pages.

c. Defendants' memorandum of law in support of their Common Motion to dismiss the Indirect Reseller Plaintiffs' ("IRPs") Consolidated Class Action Complaint may not exceed 40 pages.

i. The IRPs' memorandum of law in opposition to the Common Motion may not exceed 40 pages, except as provided in Section 2 below. Notwithstanding these limitations, should Defendants elect to incorporate any other Common Motion into their Common Motion to dismiss the IRP Consolidated Class Action Complaint, prior to the filing of the IRPs' Opposition to the Common Motion, the IRPs and Defendants shall meet and confer in good faith regarding whether the IRPs require additional pages for their opposition. If additional pages are required, Defendants will not unreasonably withhold consent and the Parties will submit to the Court a stipulation and proposed Order modifying the page limitations. The Court reserves ruling on any requests to extend page limitations.

ii. Defendants' reply memorandum of law in further support of their Common Motion may not exceed 25 pages.

2. Briefing on Individual Motions to Dismiss for Each Lead Case

a. Each Defendant may file a consolidated motion and memorandum of law addressing distinct reasons for dismissal (the "Individual Motion"). Defendants electing to file Individual Motions shall make a good faith effort to limit repetition of any arguments, background, or legal standards contained in the Common Motions to the extent practicable. The additional memorandum of law may not exceed 11 pages and must address all individual issues regarding the allegations raised in the DPP, EPP, and IRP Consolidated Amended Complaints.

b. DPPs, EPPs, and IRPs may each respond to the Individual Motions within their respective memorandum of law in opposition to the Common Motion provided that:

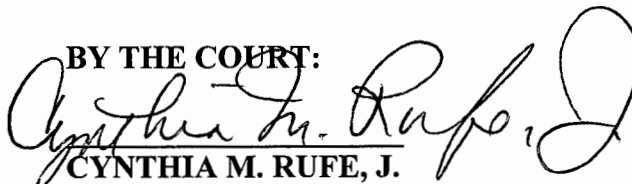
i. They clearly demarcate each section that responds to either the Common Motion or to an Individual Motion;

ii. The section responding to the Common Motion may not exceed 40 pages; and

iii. Plaintiffs collectively may not exceed 11 pages in responding to each Individual Motion. These 11 collective pages are in addition to the pages allocated for Plaintiffs' Oppositions to the Common Motions.

c. To the extent any Defendant files a reply memorandum of law in support of its Individual Motion, it may not exceed six pages.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.